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18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 FRANCIE E. MOELLER et al,

22 Plaintiffs,

23 v.

24 TACO BELL CORP.,

25 Defendant.

Case No. C 02-5849 PJH JL

JOINT STIPULATION AND ORDER RE:  
BIFURCATION OF DISCOVERY AND  
EXEMPLAR TRIAL

1 The parties hereby stipulate as follows:

2

3 1. Discovery at this stage shall be limited to liability issues arising out of state law  
4 claims. No discovery shall be permitted, at this time, as to individual class  
5 member claims of damages.

6 2. An initial trial shall be held regarding an exemplar store, store number 4518. The  
7 trial as to this store shall be bifurcated into stages. The first stage of the trial shall  
8 on the issues of whether there have been violations of federal and/or state law and  
9 injunctive relief.

10 3. The parties stipulate that the first stage of the trial on the exemplar store shall be  
11 to the Court and not to a jury.

12 4. After the trial of this first stage of the exemplar trial, a further case management  
13 conference will be held to discuss further proceedings in this case, including trial  
14 of the damages phase for the exemplar store.

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23 JOINT STIPULATION AND ORDER REGARDING BIFURCATION OF  
DISCOVERY AND EXEMPLAR TRIAL

- 2 -

CASE NO. C 02-5849 PJH (JL)

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IT IS SO STIPULATED.



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*Attorneys for Defendant*

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Phyllis J. Hamilton  
United States District Court

JOINT STIPULATION AND ORDER REGARDING BIFURCATION OF  
DISCOVERY AND EXEMPLAR TRIAL

- 3 -

CASE NO. C 02-5849 PJH (JL)

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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

FRANCIE E. MOELLER, et al.,

Plaintiffs,

vs.

TACO BELL CORP.,

Defendant.

Case No. C 02-5849 PJH JL

**[PROPOSED] ORDER RE:  
BIFURCATION AND DISCOVERY  
AND EXEMPLAR TRIAL**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Discovery at this stage shall be limited to liability issues arising out of state law claims. No discovery shall be permitted, at this time, as to individual class member claims of damages.
2. An initial trial shall be held regarding an exemplar store, store number 4518. The trial as to this store shall be bifurcated into stages. The first stage of the trial shall be on the issues of whether there have been violations of federal and/or state law and injunctive relief.
3. The parties stipulate that the first stage of the trial on the exemplar store shall be to the Court and not to a jury.
4. After the trial of this first stage of the exemplar trial, a further case management conference will be held to discuss further proceedings in this case, including trial of the damages phase for the exemplar store.

Dated: 4/5/10

